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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,337	01/03/2002	Ning Mo	2705-201	7298
20575	7590	04/20/2006	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			ADHAMI, MOHAMMAD SAJID	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/038,337	Applicant(s) MO ET AL.	
	Examiner Mohammad S. Adhami	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7,9,10 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,9,10, and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Applicant's Amendment filed 1/26/2006 is acknowledged
- Claims 1,3,4,6,7,9,10, and 12 have been amended
- Claims 2,5,8, and 11 have been canceled
- Claims 13-16 have been added
- Claims 1,3,4,6,7,9,10 and 12-16 are pending

Specification

1. The disclosure is objected to because of the following informalities: On pg.1 line 10, the serial number of the related USA Patent Application is missing.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,4,6,7,9,10,12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurittu (US App. 2003/0120309) in view of Bharucha (US App. 2003/0081610).

Re claims 1,4,7, and 10:

Kurittu discloses *a network interface* (Fig.14 ref.142).

Art Unit: 2616

Kurittu further discloses *a memory to store packets* (Fig.11 ref.114 and 116).

Kurittu further discloses *playing out some of the stored packets* (Para.[0005] "To play out the voice in the receiving end correctly, though, the packets must be in the order of transmission and equally spaced").

Kuritto further discloses *deleting packets in response to a reduction in the size of the memory, without playing them out* (Para.[0095] *the size of the jitter buffer is to be reduced by removing a packet where a packet is removed, then it is not played out*).

Kuritto does not explicitly disclose *extracting a comparative discardability code from a packet in response to a reduction in the size of memory, where the code identifies a class of speech and deleting a packet according to the code*.

Bharucha discloses *extracting a comparative discardability code from a packet in response to a reduction in the size of memory and deleting a packet according to the code* (Para.[0032] *Cells are marked according to levels of voice activity. The cells are dropped according to the marked level where a cell is a "packet" and dropping the cells is the response "to a reduction in the size of memory" as disclosed above*).

Bharucha further discloses *the code identifying a class of speech* (Para.[0032] *Cells are marked according to levels of voice activity where the levels of voice activity are "classes of speech"*).

Kuritto and Bharucha are analogous because they both pertain to communication systems transmitting voice.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kuritto to include a comparative discardability code as taught by Bharucha in order to classify the different levels of voice and be able to preferably drop voice data that is least critical to a conversation (Bharucha Para.[0032]).

Re claims 3,6,9,12, and 16:

As discussed above, Kurrito meets all the limitations of the parent claims.

Kurrito further discloses *deleting at least one of the packets from memory* (Para.[0095] *the size of the jitter buffer is to be reduced by removing a packet where removing a packet is deleting it from memory*).

Kurrito does not explicitly disclose *comparing stored packets according to the extracted comparative discardability code, setting a discarding probability in accordance with the code, and deleting a packet from memory in accordance with the discarding probability*.

Bharucha discloses *comparing stored packets according to the extracted comparative discardability code* (Para.[0032] *The cells are marked based on their voice level activity where when the cells are marked they are being compared according to the code and they are compared to see which cell is removed*).

Bharucha further discloses *setting a discarding probability in accordance with the comparison* (Para.[0032] *The silence level is dropped first, then partial*

voice spurts, and then speech where the silence level has a high discarding probability, the partial voice has a medium discarding probability, and the speech has a low discarding probability).

Bharucha further discloses *deleting a packet from memory in accordance with the discarding probability* (Para.[0035] *Cells are discarded according to the mark* where the mark corresponds to a “discardability code” which have set “discardability probabilities”).

Kuritto and Bharucha are analogous because they both pertain to communication systems transmitting voice.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kuritto to include setting a discardability probability in accordance with a comparison of packets as taught by Bharucha in order to classify the different levels of voice and be able to preferably drop voice data that is least critical to a conversation (Bharucha Para.[0032]).

Re claim 14:

As discussed above, Kurrito meets all the limitations of the parent claims.

Kurrito does not explicitly disclose *extracting the comparative discardability code in response to a reduction in congestion*.

Bharucha discloses *extracting the comparative discardability code in response to a reduction in congestion* (Para.[0033] “At any time after the marking of the cells, marked cells may be dropped if there is congestion” where the code is extracted when the cells are to be dropped).

Kuritto and Bharucha are analogous because they both pertain to communication systems transmitting voice.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kuritto to include extracting a code in response to a reduction in congestion as taught by Bharucha in order to preferably drop voice data that is least critical to a conversation (Bharucha Para.[0032]).

Re claim 15:

Kuritto discloses *playing out voice data associated with packets stored in memory* (Para.[0005] “To play out the voice in the receiving end correctly, though, the packets must be in the order of transmission and equally spaced”).

Kuritto further discloses *providing voice data for playout without transmitting the stored packets over a network* (Para.[0005] “To play out the voice in the receiving end correctly, though, the packets must be in the order of transmission and equally spaced” where the packets are stored and played out on the receiving end).

It is inherent that Kuritto has a speaker for playing out the voice data (Para.[0005] “To play out the voice in the receiving end correctly, though, the packets must be in the order of transmission and equally spaced”).

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuritto in view of Bharucha as applied to claim 4 above, and further in view of Duimovich (US App. 2002/0052947).

Art Unit: 2616

Re claim 13:

Kurrito discloses *reducing the size of memory in response to varying delays* (Abstract "The invention relates to a method for changing the size of a jitter buffer, which jitter buffer is employed at a receiving end in a communication system including a packet network for buffering received packets containing audio data in order to enable a compensation of varying delays).

Kurrito does not explicitly disclose *reducing the size of memory in response to congestion*.

Duimovich discloses *the varying delay being caused by congestion* (Para.[0046] *Varying task are subject to varying delays because of network congestion* where the congestion leads to a delay, which then leads to reducing the size of memory as shown by Kuritto).

Kurrito and Duimovich are analogous because they both pertain to managing data transfers in a packet network.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kurrito to reduce the size of memory in response to congestion as taught by Duimovich because it is well known to one of ordinary skill in the art at the time of the invention that varying delays are caused by congestion in a packet network.

Response to Arguments

4. Applicant's arguments with respect to claims 1,3,4,6,7,9,10, and 12 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2616

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maher (US 6,957,258), Pashtan (US 6,542,466), and Feinberg (US 6,798,745) show comparing packets. Bergman (US 4,866,704) and Scott (US 6,665,317) show reducing the buffer size.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad S. Adhami whose telephone number is (571)272-8615. The examiner can normally be reached on Monday-Friday 8-4:30.

Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSA 4/11/2006



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